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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057344
Party	Plaintiff Cloudpath Networks, Inc.
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Attachments	Supplemental Notice of Reliance 2.17.2015.pdf(17166 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD**

Cloudpath Networks, Inc.

Petitioner,

v.

Racemi, Inc.,

Registrant.

Cancellation No. 92057344

**Date: February 17, 2014**

**PETITIONER’S SUPPLEMENTAL NOTICE OF RELIANCE**

On December 22, 2014, Petitioner Cloudpath Networks, Inc., (“Cloudpath”) submitted its Notice of Reliance and accompanying documents through the Electronic System for Trademark Trials and Appeals (ET TSA), and copies of the Notice and the documents were served on Registrant Racemi, Inc. (“Racemi”). This Supplemental Notice of Reliance is hereby submitted in response to Registrant’s Motion to Strike Petitioner’s Notice of Reliance, and for the purposes of complying with the procedural requirements of 37 §C.F.R. 2.122(e) with regard to certain documents submitted with the prior Notice of Reliance that fall under the category of printed publications. To the extent that any procedural defects existed with respect to the original Notice of Reliance, filed Dec. 22, 2014, this Supplemental Notice of Reliance is intended to cure such defects. Registrant will not be prejudiced by this Supplemental Notice of Reliance as its testimony period has not yet begun, and no additional documents are being submitted at this time.

The following documents, including documents obtained from the Internet are submitted as printed publications pursuant to 37 §C.F.R. 2.122(e) and this Board’s ruling in *Safer Inc. v.*

*OMS Invs. Inc.*, 94 USPQ2d 1031 (TTAB 2010), which states that “if a document obtained from the Internet identifies its date of publication or date that it was accessed and printed, and its source, (e.g., the URL), it may be admitted into evidence pursuant to a notice of reliance in the same manner as a printed publication in general circulation in accordance with Trademark Rule 2.122(e).” Accordingly, Registrant submits each document listed herein with an indication of its date, source, and general relevance:

1) Strayer Deposition Exhibit No. 17:

This document is an Internet print-out of a blog written by a third party about Racemi. This document states on its face the date of its publication and the source URL. It is generally relevant to demonstrate that third parties write about Racemi, its services, and use the term “CloudPath” without a space, which is relevant to the similarity of the marks.

2) CLD 004, 005, 006, 015

These documents are Internet print-outs or screen shots of various Racemi webpages. They state on their faces either the dates of their publications or dates of printing, and their sources, such as URLs. They are generally relevant to demonstrate the language that Racemi uses on its website and in channels of trade.

3) CLD 034-037, 039, 041-045

These documents are Internet print-outs of Cloudpath’s own product and service webpages. They state on their faces their dates of printing and their sources, such as the names and sub-menus of the websites on which they are found. They are generally relevant to demonstrate the similarity between Racemi’s and Cloudpath’s goods and services.

4) CLD 046

These documents are the prosecution history of Cloudpath's CLOUDPATH mark registration. They state on their face their dates of printing and source (i.e., TSDR).

They are generally relevant to facts surrounding the registration, such as priority date and the similarity of Cloudpath's goods and services. Additionally, the file history is a copy of an official record of the Patent and Trademark Office, and it need not be certified to be offered in to evidence. 37 C.F.R. §2.122.

5) CLD 134

This document is an Internet print-out of a captured image of Cloudpath's website from another web archiving site. This document states on its face the date of the capture of Cloudpath's website in the archive, and the URL of the archive. It is generally relevant to show how Cloudpath has used its mark in the past in channels of trade.

6) CLD 142

These documents are the prosecution history of Racemi's CLOUD PATH mark registration. They state on their face their dates of printing and source (i.e., TSDR).

They are generally relevant to facts surrounding the registration, such as priority date and the similarity of Racemi's goods and services. Additionally, the file history is a copy of an official record of the Patent and Trademark Office, and it need not be certified to be offered in to evidence. 37 C.F.R. §2.122.

7) CLD 181 (including pages CLD 182-349)

This document is a printed publication representing a Power Point presentation given on May 6, 2013 at the Interop Conference in Las Vegas. The document shows the

dates of the conference, the presenter, and the contents of the presentation. It is generally relevant to show, *inter alia*, that Cloudpath's company name and employee's image was displayed alongside Racemi's Cloud Path logo, which is relevant to instances of actual confusion.

8) CLD 350-351, 361

These documents are Internet screen shots of Racemi's website showing demonstrations of Racemi's product as it would face a customer or prospective customer. The documents show on their face dates of publication and their source URLs. They are generally relevant to show the nature of Racemi's goods and services and the manner in which they are marketed to customers.

Dated: February 17, 2015

Respectfully Submitted,

/Craig A. Neugeboren/

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Certificate of Service

I certify that on February 17, 2015, I had the foregoing Notice of Reliance document served on Mr. Larry Jones, counsel for Racemi, Inc. via email, at the e-mail addresses listed below, pursuant to an agreement between the parties to serve all such documents electronically.

[Larry.Jones@alston.com](mailto:Larry.Jones@alston.com)

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Dated: February 17, 2015

Respectfully Submitted,

/Craig A. Neugeboren/

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